EXPLANATION OF

20

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're continuing with the first nullifier of Wudū' that the author mentioned. He mentioned الخارج من السبيلين, anything exiting from the two private parts. We gave examples and spoke about matters that fall under this nullifier. All the author mentioned is الخارج من السبيلين. We talked about, under this matter to explain it, defecating and urinating, talked about passing wind, we talked about Madhiy, Wadiy, and then the next matter that we need to speak about and address under this nullifier is Al-Istihādah — دم الاستحاضة (the bleeding that's from other than menstruation). And this is a deep topic. What concerns us is what pertains to it (Istihādah) in regard to nullifying Wudū'.

I. Does a woman need to make Wudū' for every single Salāh as is commonly known and widespread? Istihādah is the bleeding from other than menstruation. That's the definition of Istihādah.

- The first opinion is the opinion of the Hanafiyyah and the Hanābilah and Shāfi'īyyah, and it's what Ibn Hazm chose. They said that a woman must make Wudū' for every single Salāh if she endures Istihādah.

  Within that opinion, they disputed — when is the proper timing for that woman to make Wudū'? She's going to make it for each Salāh, but when? Is it when she's about to make Salāh? Does she have to wait until the Salāh timing comes in? If 'Asr is 5:30, does she have to wait till 5:30, or can she do it at 5:25? They discussed and disputed how it's void and nullified — how is her Wudū' void and nullified? Is it right after she's done with her Fard? Or is the Nafl included within that Wudū'? Or is it when the timing of the Salāh ends? And there are other disputes and details they had among themselves, but since it's the weaker opinion, we don't need to get into those details. The first opinion is, that a woman (with Istihādah) needs to make Wudū' for every single Salāh.

- The second opinion is that its Mustahabb for a woman to make Wudū' if she is on Istihādah, but it's not a must. And that's the opinion of Mālikiyyah and it's the opinion that Dawūd Adh-Dhāhiri and Ash-Shawkāni chose among other Ulamā'. This Mas'alah centers around Hadīth in Sahīh

Al-Bukhāri, Hadīth Fātimah bint Abi Hubaysh. Fātimah went to the Messenger (ﷺ) to ask him about Istihādah.

جَاءَتْ فَاطِمَةُ ابْنَةُ أَبِي حُبَيْشٍ إِلَى النَّبِيِّ (ﷺ) فَقَالَتْ يَا رَسُولَ اللَّهِ إِنِّي امْرَأَةٌ أُسْتَحَاضُ فَلاَ أَطْهُرُ، أَفَأَدَعُ الصَّلاَةَ فَقَالَ رَسُولُ اللَّهِ (ﷺ) " لاَ، إِنَّمَا ذَلِكِ عِرْقٌ، وَلَيْسَ بِحَيْضٍ، فَإِذَا أَقْبَلَتْ حَيْضَتُكِ فَدَعِي الصَّلاَةَ، وَإِذَا أَدْبَرَتْ فَاغْسِلِي عَنْكِ الدَّمَ ثُمَّ صَلِّي

At the end of the Hādith is the statement,

قَالَ وَقَالَ أَبِي ثُمَّ تَوَضَّئِي لِكُلِّ صَلاَةٍ، حَتَّى يَجِيءَ ذَلِكَ الْوَقْتُ

Fātimah bint Abi Hubaysh رضى الله عنها went to the Messenger (ﷺ) to ask him about the ruling pertaining to Salāh while a woman is enduring Istihādah. Does she leave the Salāh like she does when she's in her menstrual days? And she explained to the Messenger (ﷺ) that the bleeding is persistent and that she doesn't become clean. That's Istihādah. And the Messenger (ﷺ) said,

إِنَّمَا ذَلِكِ عِرْقٌ، وَلَيْسَ بِحَيْضٍ

The Messenger (ﷺ) told her it's from a blood vessel not menstrual bleeding, so she doesn't have to leave the Salāh.

The very end of the Hadīth is the statement about what we're talking about — ثُمَّ تَوَضَّئِي لِكُلِّ صَلاَةٍ (Perform Wudū' for every Salāh). That Hadīth is in Sahīh Al-Bukhāri I said. Had that last statement been part of the statement of the Messenger (ﷺ), it would have been all that is needed. And this shows you that one can't pull out a Hadīth from the compilations of the Hadīth books and go to the chapter pertaining to what they need, pull out that Hadīth and just use it randomly like that. Just like you can't do with the verses of the Qur'ān, you need the interpretation of the Messenger (ﷺ), the understanding of the Salaf, the interpretations of the Ulamā'. Someone may take that Hadīth, use it on this matter because it appears clear and decisive, when in reality, it's not. And without reading the statements of the Fuqahā' on the Fiqh of the Hadīth, along with the opinions of the Muhaddithīn on the Hadīth, one who doesn't read those opinions will come out with the wrong understanding. According to Imām Muslim, and An-Nasā'ī, and Al-Bayhaqi, and Abu Dawūd, and Ibn Rajab, that last statement is a statement of 'Urwa Ibn Az-Zubayr. It's not from the wording of the Messenger (ﷺ). That's the first point.

The second point is there's several weak Ahādīth. They indicate that a woman with Istihādah — the bleeding that's other than menstruation — should make Wudū' for every single Salāh. But they're weak. Ibn Rajab said:

أحاديث الوضوء لكل صلاة، وقد رويت مِن وجوه متعددة، وهي مضطربة ومعللة

"The numerous Ahādīth specifying Wudū' for every Salāh pertaining to this matter (meaning a woman on Istihādah), have issues with them."

Ar-Rājih

When one fully analyses this matter pertaining to Mustahādah, he will see that she does not need to make Wudū' for every single Salāh. In fact, some of our contemporary teachers, one who's Fatwā is widely circulated that a woman must perform Wudū' for every single Salāh, he later recanted that after years and years of research — Ibn 'Uthaymeen. he initially stated that a woman must make Wudū' for every single Salāh, and then he recanted that. And you see some of those who allege to be his solid students or followers circulate that old Fatwā. He later recanted that Fatwā and adopted what the Mālikiyyah said of not requiring Wudū' for every single Salāh for a Mustahādah. In addition to learning the substantive and foundational knowledge from a Shaykh, a true student knows the issues that his Shaykh changed opinions on.

The conclusion on the matter is that Wudū' for each Salāh as it pertains to a Mustahādah is not required due to lack of authentic Ahādīth requiring that, and some of the Ulamā' applied similar matters to the same situation. For

example, someone with سلس البول, which is urinary incontinence, those with continuous loss of bladder control (or similar matters), they gave it the same ruling as a Mustahādah. The Mālikiyyah opinion is the Rājih for many reasons.

The statement, first of all, ordering Wudū' for every single Salāh — yes, it's in Sahīh Al-Bukhāri, ثُمَّ تَوَضَّئِي لِكُلِّ صَلاَةٍ — but it's from the sayings of 'Urwa as Ibn Rajab and other Muhaddithīn stated. Had it been part of the Messenger (ﷺ)'s statement, we wouldn't be talking about this dispute today.

Second of all, had Wudū' been Wajib on a Mustahādah for every single Salāh, the Messenger (ﷺ) would have clearly informed us of such a common, widespread matter that is endured by women. He would have informed us, and if he did, it would have reached us. Not only is it something common for women, but he was specifically asked, (ﷺ), about issues pertaining to Istihādah, yet he never mentioned this detail of Wudū' for every single Salāh. Had it been required for a woman to make Wudū' for each Salāh, the Messenger (ﷺ) wouldn't be silent on such an essential detail when asked about the general matter about Istihādah. Ibn 'Abd Al-Barr in At-Tamhīd and Ibn Rajab in Fath Al-Bāri and Al-Qarrāfi in Al-Dhakhīrah, they said everything pertaining to repeating Wudū' for every Salāh for a Mustahādah doesn't stand to be a Hujjah, meaning it's not strong enough to stand as proof.

Another point: whoever has a continuous ongoing Hadath, like a Mustahādah and what resembles it, their Hadath doesn't go away — Fātimah رضى الله عنها told the Messenger (ﷺ) the bleeding is persistent and she doesn't

become clean. It's not like urine or Madhiy or Wadiy or what is like that, [which] even if its discharge several times a day, [when] one cleans the Najāsah, the Najāsah goes away. Fātimah رضى الله عنها said she doesn't become clean. Due to the continuous Hadath, there's really no benefit in Wudū' for such a person where the Hadath is continuous and ongoing and never stops. So, the purification would be a matter of Istihbāb not Wujūb. You can't obligate it.

As a response to those who require Wudū' for every Salāh, they say you need to make Wudū' right before Salāh or after the timing of the Salāh comes in. 'Asr is 5:30, a Mustahādah makes Wudū' 5:35. By the time she puts her Hijāb on and gets ready to Takbīrat Al-Ihrām its 5:45. Between 5:35 and 5:45, there is continuous ongoing bleeding. Between 5:35 and 5:45 and throughout making her Salāh, there is a continuous Hadath. Even before that, when she was making Wudū', there was Hadath going on. Some within the weaker opinion say a woman may pray Sunnah with that Wudū'. She'll continue with her bleeding, with the Hadath, even after the Fard while she is making her Sunnah Salāh. They say that does not void Wudū'. Those who adopt the opinion of Wudū' for every Salāh, they say in those intervals that I mentioned, Wudū' is not nullified with the bleeding. The Wudū' carries on. So the response is, you say the bleeding doesn't void the Wudū' between Wudū' and the Salāh and during the Salāh itself and after the Salāh to the point of making the Nafl prayer. You say all that does not void the Wudū' and the Wudū' continues through all those intervals. Just as you allowed Wudū' to continue on like that, it should continue on even after and beyond all that — unless of course a woman nullifies her Wudū' by a different Hadath, like passing wind. There is no point — and more importantly, no clear

proof — to say the Wudū' gets void at the end of the Salāh timing or at the end of the Nafl prayer.

Another point is, Istihādah in particular is like bleeding from a vein. The correct opinion is that bleeding from a vein doesn't void Wudū' and likewise Istihādah shouldn't be a nullifier of Wudū'. The Hadīth we just took, Hadīth Fātimah رضى الله عنها, told that the Messenger (ﷺ) compared Istihādah to the bleeding of a vein. He told Fātimah رضى الله عنها,

إِنَّمَا ذَلِك عِرْقٌ، وَلَيْسَ بِحَيْضٍ

and in Sunan Abu Dawūd its slightly different,

إِنَّمَا ذَلِك عِرْقٌ وَلَيْسَتْ بِالْحَيْضَةِ

It's a vein, blood, from a vessel. The fact that it's discharged from the private part does not have any effect on changing the ruling. It is like normal bleeding that doesn't void Wudū'. So Mālikiyyah appear to be correct on this matter because there is no clear, authentic Hadīth that requires Wudū' for every single Salāh.

Not obligating a woman with Istihādah to make Wudū' for every single Salāh also coincides with the overall Sharī'ah principles in making things easy. It's making things easier for a Mustahādah, and not just openly making things easier, as some people do — it's making matters easier within the Sharī'ah rules and

regulations. So basically, as long as she doesn't fall in another nullifier of Wudū', like urinating or passing wind or other nullifiers of Wudū', she does not have to make Wudū' from this matter.

II. We took urinating and defecating, passing wind, Madhiy, Wadiy, and Istihādah. The final one under الخارج من السبيلين (anything exiting from the two private parts), the final matter under that is if someone discharges something that's not normal or common. Like for example, a kidney stone, someone who discharges a kidney stone, someone who discharges worms (like those with pinworm infections), or someone who swallowed maybe a dime or an object like a marble, and then discharges it or defecates it. Something exceptional, abnormal, maybe pure, but it's discharged from the private parts. And note, I say from the private parts, because the next nullifier of Wudū' addresses the issue of what's discharged from other than the private parts.

- The first opinion on this is whatever is abnormal or exceptional and discharges from the front and back private parts nullifies Wudū', and that is the opinion of Al-Hanafiyyah, Shāfi'īyyah and Al-Hanābilah. Anything discharged from the two private parts, like what we mentioned, nullifies Wudū', whether it maybe a kidney stone, a penny, a dime, or anything similar to that. Some of them use general proof,

أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ

The general proof on defecating, and they said that so long as it exits from the same private parts, everything normal or abnormal that exits from those two private parts, voids Wudū'. They also said it exits from the normal exits, so it takes the ruling of what's normal that exits from the normal exits. It must void Wudū' like what's normal, since it's the same exit. What's normal is if we're talking about something like urine or Madhiy. They also said something like pinworms or stones that are discharged, or if someone swallows something, some object, and defecated it, they said when it exits, it must contain at least a tiny bit of Najāsah on it and that confirms that it nullifies Wudū'. Someone who accidentally swallowed a dime, then defecated it. They said something like that doesn't just exit without Najāsah on it, and that's a very strong rationale of theirs.

- Others, like Al-Mālikiyyah, said that something abnormal does not void Wudū'. They said no Wudū' is needed for something similar to, for example, pinworms or stones, because it's abnormal and exceptional. Mālikiyyah compared it to what exits from other than the private parts, and gave it that ruling, and they said that doesn't nullify the Wudū'. Some of the Mālikiyyah made the exception that it voids the Wudū' if its exits with Najāsah.

Ar-Rājih

There is clearly more weight on requiring Wudū' from such discharges. Why? It's exiting from the normal private parts, which normal discharges from them nullify Wudū'. So, it's compared to what's normal. Also, scholars like 'Atā', and Ath-Thawri and Ishāq ibn Rāhawayh, Al-Hasan Al-Basri, and Al-Awzā'ī and Ibn Al-Mubārak and other Ulamā' gave various different statements to the fact that what exits the private parts nullifies the Wudū', whether its normal or abnormal. For example, some of them said, one who discharges pinworms like worms from a pinworm infection, needs to make Wudū'.

Also, it's legitimate or strong to make Qiyās (analogy) of what's not normal that exits the private parts on what is normal that exits from the private parts. And another point is, when analyzing the negators of Wudū' from the private parts, it appears the reason for Wudū' is that it exits from the private parts, rather than what's normal or abnormal or what's Najis or not Najis. For example, one passes wind. Wind itself is Tāhir, yet the fact that it exited from the rectum nullified Wudū', even though it's not Najis. If one burps, which is letting air out from the stomach through the mouth, it doesn't nullify the Wudū'. Yet air from the stomach through the rectum nullifies the Wudū'. So, they said it's not what's normal or abnormal, usual or not, or Najis or not, it what exits the private parts. If it's even possible that they come out without Najāsah, one should still renew the Wudū'. I don't personally know if they do come out without Najāsah, even if not a tiny bit.

III. Our final Mas'alah or sub-Mas'alah under discharges from private parts that are abnormal, and it somewhat branches off from the previous Mas'alah, is the issue

of scopes, like vaginal scopes during exams or colonoscopy exams. And the ruling on that is really summarized by what An-Nawawi رحمه الله تعالى said. He said, if a man or a woman puts something in either of their private parts, like a stick, a finger, a probe, a wick, or a string, once it's taken out, it voids the Wudū' because it is considered something that exited the private parts. His statement appears to mean even if it didn't have Najāsah on it.

Ibn Qudāmah said if one puts something like grease, or possibly he meant oil or something of that nature, in their private parts, then it discharges from the private parts, the Wudū' is void because it exited from the private part and it will have Najāsah on it, and that will void the Wudū'. In Sharh Al-Iqnā' he said, if one puts anything in their private parts and takes it out, even if it doesn't have Najāsah, it nullifies the Wudū'. And in Tashīh Al-Furū', he supported that and he said that's correct, because what exits without Najāsah is exceptional. Meaning that's not what we go by. We don't go by exceptional, *if* that happens. Al-Hajjāwi رحمه الله said in Zād Al-Mustaqni',

ينقض ما خرج من سبيل

"Whatever exits from the private parts voids the Wudū'." And that's Ash-Shāfi'īyyah and Al-Hanābilah. Other Madhāhib like Az-Zayla'ī from the Hanafiyyah in Tabyīn Al-Haqā'iq he said, it nullifies Wudū' for one to put their hands in either of their private parts.

IV. Another Mas'alah I just remembered — and this will be the final one under this nullifier — is, what about passing of wind from the woman's front private parts? Vaginal flatulence, the emission of air from the woman's front private parts.

- And according to Hanafiyyah and Mālikiyyah and one of the opinions of the Hanābilah, they said it does not void Wudū'. Why? They didn't consider it wind, but rather something like convulsions, and not something of Hadath. It's not real wind, and even if it's passing of wind, they said it's not originating from a place of Najāsah. They also said there is no clear proof on it and it's a matter of doubt, and nullifiers of Wudū' are not based on matters of doubts. Some even compared it to burping.

- Shāfi'īyyah and another opinion within the Hanābilah, and Ishaq ibn Rāhawayh chose it, and 'Abdullāh Ibn Al-Mubārak chose it, they said that one must make Wudū' from it. An-Nawawi said, whatever exits the male or female private parts, from either of their private parts, meaning front or back, it voids Wudū'. Meaning what exits front or back of wind voids Wudū', and he said that is what Ash-Shāfi'ī specified in his book Al-Umm.

  They also did Qiyās (analogy) on everything exiting the private parts. Everything exiting the private parts voids Wudū', so this should as well. They also used a general Hadīth on the fact that passing wind nullifies Wudū'. They said this is similar. That Hadīth that we took pertaining to the general passing of wind, and they compared this to the general passing of wind. Hadīth Abu Hurayrah that we took:

لَا وُضُوءَ إِلَّا مِنْ صَوْتٍ أَوْ رِيحٍ

or Hadīth 'Abdullāh Ibn Zayd Ibn 'Āsim

أَنَّهُ شَكَا إِلَى رَسُولِ اللَّهِ (ﷺ) الرَّجُلُ الَّذِي يُخَيَّلُ إِلَيْهِ أَنَّهُ يَجِدُ الشَّيْءَ فِي الصَّلاَةِ.

فَقَالَ: لاَ يَنْفَتِلْ ـ أَوْ لاَ يَنْصَرِفْ ـ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا

'Abdullāh Ibn Al-Mubārak, who also chose this opinion, used the Hadīth لَا وُضُوءَ إِلَّا مِنْ صَوْتٍ أَوْ رِيحٍ. The narration that's in Sunan At-Tirmidhi, that no Wudū' is needed unless one smells an odor or hears a sound. Ahādīth on regular passing of wind and that nullifies Wudū', but they used it as proof on this matter as well. They also commented that this is considered passing of wind, and that Hadīth didn't specify front or back private parts. It's just broad on passing wind, so this is included in those Ahādīth. Ibn Qudāmah mentioned that Sālih, the son of Ahmad Ibn Hanbal, related that Imam Ahmad رحمه الله considered that this matter is a nullifier of Wudū'.

Ar-Rājih

I know an 'Alim that I studied under, that I love, when he taught us this, he mentioned both opinions and he didn't give a selected opinion. It's safer to renew the Wudū' from such a matter. It may fall under what's called إلحاق النظير

بالنظير (giving similars the same Hukm). It resembles passing of wind. I would say it's just safer to make Wudū' from it.

And final note to keep in mind is like vaginal flatulence, and other matters, like continuous vaginal discharges that never stop and are ongoing, depending on the individual and circumstances, it may be given the ruling that we took pertaining to Istihādah — if its continuous, ongoing and it doesn't stop and one doesn't become clean from it. So, you keep that issue in mind.

Let me give an outline of what we took in the past few Halaqāt to keep your train of thoughts in check. After Ghusl and Wudū', the author began on the nullifiers of Wudū', and said there were 8 of them. And the author said the first one is الخارج من السبيلين (anything exiting from the two private parts). Under that, explaining that nullifier, we mentioned defecating, urinating, we mentioned passing wind, Madhiy, Wadiy, Istihādah (which is the women's bleeding from other than menstruation), and the 6th matter that we mentioned was discharges from the private parts that are abnormal (like kidney stones or worms).

With that, Alhamdulillāh we conclude the author's first nullifier of Wudū'. Next week, we'll start, inshā'Allāh, on the second nullifier of Wudū'. The author said,

والفاحش من غيرهما

which means unclean, or filthy, or repulsive discharges from other than the two private parts.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم